



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

KTF/SME
F. #2016R001900

*271 Cadman Plaza East
Brooklyn, New York 11201*

May 3, 2021

By Electronic Mail, FedEx and ECF

Jeremy Temkin, Esq.
Ryan McMenamin, Esq.
Morvillo Abramowitz
565 5th Ave
New York, NY 10017

Re: United States v. Jason Peltz
Criminal Docket No. 21-CR-154 (NGG)

Dear Mssrs. Temkin and McMenamin:

Enclosed please find the government's discovery in accordance with Rule 16 of the Federal Rules of Criminal Procedure. The government requests reciprocal discovery from the defendant.

I. The Government's Discovery

A. Statements of the Defendant

On February 18, 2021, the government provided you with a form 302 summarizing the defendant's statements to FBI agents on or about October 28, 2020, which was Bates-stamped PELTZ_EDNY000000000001 through PELTZ_EDNY000000000005. On February 27, 2021, the government provided you with a form 302 summarizing a search of the defendant's apartment by FBI agents on or about October 28, 2020, which was Bates-stamped PELTZ_EDNY0000000000081 through PELTZ_EDNY0000000000084. These documents were provided to defense counsel on the condition that the defendant could not possess copies. The government hereby designates these documents as produced subject to the terms of the protective order entered by the Court on April 22, 2021 (the "Protective Order"). See ECF Docket No. 17. Any prior agreements regarding disclosure are superseded by the Protective Order.

B. The Defendant's Criminal History

Enclosed please find documents Bates-stamped PELTZ_EDNY0000000000085 – PELTZ_EDNY0000000000095.

C. Documents and Tangible Objects

Enclosed please find the following documents, which are produced subject to the terms of the Protective Order:

Description	Beginning Bates	End Bates
Records from AT&T	PELTZ_EDNY000000000096	PELTZ_EDNY000000000137
Records from Interactive Brokers	PELTZ_EDNY000000000138	PELTZ_EDNY000000003809
Records from National Financial Services LLC	PELTZ_EDNY000000003810	PELTZ_EDNY000000003976
Records from AT&T	PELTZ_EDNY000000003977	PELTZ_EDNY000000007069
Records from Verizon Wireless	PELTZ_EDNY000000007070	PELTZ_EDNY000000008017
Records from AT&T	PELTZ_EDNY000000008018	PELTZ_EDNY000000049517
Records from E-Trade	PELTZ_EDNY000000049518	PELTZ_EDNY000000049877
Records from Interactive Brokers	PELTZ_EDNY000000049878	PELTZ_EDNY000000054947
Audio Files from Interactive Brokers	PELTZ_EDNY000000054948	PELTZ_EDNY000000054976
Press releases related to various stocks	PELTZ_EDNY000000054977	PELTZ_EDNY000000054990
Records from Interactive Brokers	PELTZ_EDNY000000054991	PELTZ_EDNY000000057919
Records from COR Clearing	PELTZ_EDNY000000057920	PELTZ_EDNY000000057939
Records from AT&T	PELTZ_EDNY000000057940	PELTZ_EDNY000000059159
Records from EKN Financial Services	PELTZ_EDNY000000059160	PELTZ_EDNY000000059295
Records from AT&T	PELTZ_EDNY000000059296	PELTZ_EDNY000000062484
Trade blotter from Prophecy Asset Management	PELTZ_EDNY000000062485	PELTZ_EDNY000000062485
Records from BMO Harris Bank	PELTZ_EDNY000000062486	PELTZ_EDNY000000064696

In addition, on February 22, 2021, the government provided you with a search warrant and affidavit, which were Bates-stamped PELTZ_EDNY000000000006 through PELTZ_EDNY000000000080. These documents were provided to defense counsel on the condition that the defendant could not possess copies. The government hereby designates these documents as produced subject to the terms of the Protective Order. Any prior agreements regarding disclosure are superseded by the Protective Order.

You may examine the physical evidence discoverable under Rule 16, including original documents, by calling us to arrange a mutually convenient time.

D. Reports of Examinations and Tests

The government will provide you with copies of any reports of examinations or tests in this case, if applicable, as they become available.

E. Expert Witnesses

The government will comply with Fed. R. Crim. P. 16(a)(1)(G) and Fed. R. Evid. 702, 703 and 705 and notify you in a timely fashion of any expert that the government intends to call at trial and provide you with a summary of the expert's opinion.

At present, the government anticipates calling an expert at trial to testify regarding securities terminology, securities trading analysis and the United States Securities and Exchange Commission's disclosure requirements, regulations and forms.

The identity, qualifications, and bases for the conclusions of each expert will be provided to you when they become available.

F. Brady Material

The government understands and will comply with its continuing obligation to produce exculpatory material as defined by Brady v. Maryland, 373 U.S. 83 (1963), and its progeny. The government is providing you a separate letter making certain disclosures in an abundance of caution.

Before trial, the government will furnish materials discoverable pursuant to Title 18, United States Code, Section 3500, as well as impeachment materials. See Giglio v. United States, 405 U.S. 150 (1972).

G. Other Crimes, Wrongs or Acts

The government will provide the defendant with reasonable notice in advance of trial if it intends to offer any material under Fed. R. Evid. 404(b).

II. The Defendant's Required Disclosures

The government hereby requests reciprocal discovery under Rule 16(b) of the Federal Rules of Criminal Procedure. The government requests that the defendant allow inspection and copying of (1) any books, papers, documents, data, photographs, tapes, tangible objects, or copies or portions thereof, that are in the defendant's possession, custody or control, and that the defendant intends to introduce as evidence or otherwise rely on at trial, and (2) any results or reports of physical or mental examinations and of scientific tests or experiments made in connection with this case, or copies thereof, that are in the defendant's possession, custody or control, and that the defendant intends to introduce as evidence or otherwise rely upon at trial, or that were prepared by a witness whom the defendant intends to call at trial.

The government also requests that the defendant disclose prior statements of witnesses who will be called by the defendant to testify. See Fed. R. Crim. P. 26.2. In order to avoid unnecessary delays, the government requests that the defendant have copies of those statements available for production to the government no later than the commencement of trial.

The government also requests that the defendant disclose a written summary of testimony that the defendant intends to use as evidence at trial under Rules 702, 703, and 705 of the Federal Rules of Evidence. The summary should describe the opinions of the witnesses, the bases and reasons for the opinions, and the qualification of the witnesses.

Pursuant to Fed. R. Crim. P. 12.3, the government hereby demands written notice of the defendant's intention, if any, to claim a defense of actual or believed exercise of public authority, and also demands the names and addresses of the witnesses upon whom the defendant intends to rely in establishing the defense identified in any such notice.

III. Future Discussions

If you have any questions or requests regarding further discovery or a disposition of this matter, please do not hesitate to contact us.

Please be advised that, pursuant to the policy of the Office concerning plea offers and negotiations, no plea offer is effective unless and until made in writing and signed by authorized representatives of the Office. In particular, any discussion regarding the pretrial disposition of a matter that is not reduced to writing and signed by authorized representatives of the Office cannot and does not constitute a “formal offer” or a “plea offer,” as those terms are used in Lafler v. Cooper, 132 S. Ct. 1376 (2012), and Missouri v. Frye, 132 S. Ct. 1399 (2012).

Very truly yours,

MARK J. LESKO
Acting United States Attorney

By: /s/ Kaitlin T. Farrell
Kaitlin T. Farrell
Sarah M. Evans
Assistant U.S. Attorneys
(718) 254-6072/6490

Enclosures

cc: Clerk of the Court (NGG) (by ECF) (without enclosures)